

## REMARKS

This is in response to the Office Action mailed on July 13, 2007. Claims 1-25 are pending in the application and are rejected under 35 USC § 103(a). Claims 1, 9, 10, and 18 are presently amended to clarify the claimed invention. In addition, Claims 10, 11, and 18 are presently amended to address non-substantive typographical errors. For at least the reasons set below, Applicants assert that all claims are in condition for allowance.

### Acknowledgement of Information Disclosure Statement

As a preliminary matter, Applicant requests that the Examiner acknowledge that the references cited in the Supplemental Information Disclosure Statement filed December 31, 2003 have been considered. Copies of the Supplemental Information Disclosure Statement and return post card are enclosed herein. Applicant requests consideration and entry of the cited references.

### Claim Rejections Under 35 U.S.C. § 103

Claims 1-25 were rejected under 35 U.S.C. 103(a) as being obvious over Wolfberg in view of Sullivan and Farry. Applicant respectfully submits that the cited references, each alone or in combination, do not teach or suggest all of the limitations of the claims as amended required by MPEP § 2143. Specifically, as described in more detail below, the independent claims recite "the user's communication which is responsive to the context sensitive automated coaching" *and* "context sensitive automated coaching determined by ... a user's communication." Nowhere do the references teach or suggest this reciprocal relationship.

Claims 1, 9, and 18 recite the implementation of a communication component which captures communication by the user in response to a presentation of portfolio modeling and the automated coaching. This limitation, of dynamically capturing the intentions and expectations of a user in response to the context sensitive automated coaching, are not taught or suggested in the references separately and are missing from a proposed combination involving Wolfberg, Sullivan, and Farry.

The fourth clause of Claims 1, 9, and 18 recites the context sensitive automated coaching being responsive to the user's communication. This more clearly indicates the ability of the graphical user interface to facilitate dynamic communication between the

system and the user, as the context sensitive coaching further responds to the user's communication in a cyclical fashion.

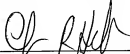
Claims 1, 9, and 18 also recite an automated coaching system limitation. The first clause in each of these claims includes the term "automated" before "coaching," which clearly indicates that the user selectable service level involves the use of coaching that is automated.

Therefore, because the combination of Wolfberg, Sullivan, and Farry fails to teach or suggest each and every limitation, Applicant respectfully asserts that a *prima facie* case of obviousness has not been established and that these claims are allowable. Further, because claims 2-8, 10-17, and 19-25 depend either directly or indirectly from independent claims 1, 9, and 18, these dependent claims are also allowable as depending from allowable claims. Applicant respectfully requests that the rejection of all claims under § 103(a) be withdrawn.

### CONCLUSION

Accordingly, Applicants respectfully request removal of the rejections, and for favorable action and allowance of the application. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (612) 607-7237. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference 60021-375901).

Respectfully submitted,

By   
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Receipt is hereby acknowledged by the Commissioner of Patents & Trademarks of the following items in the Utility Patent application of

Inventor: Stephen B. Slutsky  
Title: A USER INTERFACE FOR A FINANCIAL MODELING SYSTEM  
Serial No.: 09/704,838

- ☒ Supplemental Information Disclosure Statement
- ☒ Form 1449
- ☒ Dayco Statement Regarding Related Applications
- ☒ Postcard

Atty/Secy: Prange/dmo  
Date: December 31, 2003  
File No.: 60021-375901

2053884 v01 12/30/2003

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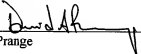
2053884 v01 12/30/2003

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CERTIFICATE OF MAILING**

I hereby certify that on **December 31, 2003**, which is the date I am signing this certificate, I am depositing this correspondence the United States Postal Service, first class mail, in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
David Prange

**Applicant:** STEPHEN B SLUTSKY

**Serial No.:** 09/704,838

**Filed:** 11-01-2000

**Title:** A USER INTERFACE FOR A FINANCIAL MODELING SYSTEM

**Atty. Docket No.:** 060021-375901

**Examiner:** KANOF, PEDRO R

**Group Art Unit:** 3628

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.56**

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the references listed on the attached Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references may be material to examination of the above-identified application. Please do not construe the filing of this information disclosure statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability (37 C.F.R. § 1.97(h)), or that no other material information exists. We enclose copies of the cited documents within a box herewith.

This Information Disclosure Statement is being submitted:

☒ 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application, or before the mailing date of a first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114, and therefore, Applicant believes no fee is required;

☐ 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:

☐ (a) A statement that either:

(i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

(ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

OR

☐ (b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).

☐ 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both:

☐ (a) A statement that either:

(i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

(ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

☐ (b) The fee of \$180.00 for filing of an Information Disclosure Statement as set forth in 37 CFR 1.17(p).

Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-1901 referencing order number 060021-375901.

December 2, 2003

  
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Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Application Number</b>	09/704,838
				<b>Filing Date</b>	11-01-2000
				<b>First Named Inventor</b>	STEPHEN B SLUTSKY
				<b>Art Unit</b>	3628
				<b>Examiner Name</b>	KANOF, PEDRO R
<b>Sheet</b>	1	<b>of</b>	1	<b>Attorney Docket Number</b>	060021-375901

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number -Kind Code <sup>2</sup> (if known)	Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
✓	1	<u>Dayco</u> Statement Regarding Related Applications	
Examiner Signature			Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

**PATENT**

**CERTIFICATE OF MAILING**

I hereby certify that on **December 31, 2003**, which is the date I am signing this certificate, I am depositing this correspondence the United States Postal Service, first class mail, in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
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**Applicant:** STEPHEN B SLUTSKY

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Alexandria, VA 22313-1450

**DAYCO STATEMENT REGARDING RELATED APPLICATIONS**

Sir:

In the recent case, *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358; 66 U.S.P.Q.2d 1801 (Fed.Cir.2003), the Federal Circuit stated (1) in the context of 37 C.F.R. § 1.56, a co-pending application may be “material” in the prosecution of a patent, even if the co-pending application cannot result in a shorter patent term; and (2) in the context of 37 C.F.R. § 1.56, a contrary decision of another examiner reviewing a substantially similar claim meets the threshold level of materiality.

In light of *Dayco*, Applicant respectfully identifies the following United States patent applications, which are or were co-pending with the present application and may contain similar subject matter as the present application:



Serial No.	Patent No.	Filing Date	Atty. Docket	Title
09/705,154		11-01-2000	060021-375501	FINANCIAL MODELING AND COUNSELING SYSTEM
09/927,560		08-10-2001	060021-375502	FINANCIAL MODELING AND COUNSELING SYSTEM
09/705,287		11-01-2000	060021-375601	FINANCIAL PORTFOLIO RISK MANAGEMENT
09/930,786		08-15-2001	060021-375602	FINANCIAL PORTFOLIO RISK MANAGEMENT
09/705,290		11-01-2000	060021-375701	COMMUNICATIONS INTERFACE FOR A FINANCIAL MODELING AND COUNSELING SYSTEM
09/929,735		08-13-2001	060021-375702	COMMUNICATIONS INTERFACE FOR A FINANCIAL MODELING AND COUNSELING SYSTEM
09/705,288		11-01-2000	060021-375801	A FINANCIAL PLANNING AND COUNSELING SYSTEM PROJECTING USER CASH FLOW
09/929,610		08-13-2001	060021-375802	A FINANCIAL PLANNING AND COUNSELING SYSTEM PROJECTING USER CASH FLOW
09/976,443		10-12-2001	060021-376002	AUTOMATED COACHING FOR A FINANCIAL MODELING AND COUNSELING SYSTEM
09/705,255		11-01-2000	060021-376001	AUTOMATED COACHING FOR A FINANCIAL MODELING AND COUNSELING SYSTEM
09/431,389		11-01-1999	060021-333701	A FINANCIAL MANAGEMENT AND ADVICE GENERATING INFORMATION FRAMEWORK
09/430,993		11-01-1999	060021-333801	A SERVICE LEVEL SUBSYSTEM IN A FINANCIAL MANAGEMENT AND ADVICE GENERATING INFORMATION ENVIRONMENT
09/431,417		11-01-1999	060021-333901	AN ADVICE GENERATING SUBSYSTEM IN A FINANCIAL MANAGEMENT AND ADVICE GENERATING INFORMATION ENVIRONMENT
09/431,668		11-01-1999	060021-334001	GENERATING A STRATEGIC FINANCIAL MODEL FOR MANAGEMENT AND ADVICE GENERATING PURPOSES
09/431,394		11-01-1999	060021-334101	A NETWORK-BASED FINANCIAL MANAGER
09/431,390		11-01-1999	060021-334201	A FINANCIAL RISK MODELING SUBSYSTEM
09/431,684		11-01-1999	060021-334301	A GRAPHICAL USER INTERFACE CAPABLE OF DYNAMICALLY AND INTERACTIVELY CAPTURING A FINANCIAL INTENTION OF A USER
09/451,675		11-30-1999	060021-337401	DETERMINING A MARKET ATTITUDE IN A NETWORK-BASED FINANCIAL FRAMEWORK

09/579,852		05-25-2000	060021-355301	A RISK/REWARD MAP IN A FINANCIAL MANAGEMENT/ADVICE GUI
09/580,353		05-25-2000	060021-355401	A COACHING WINDOW IN A FINANCIAL MANAGEMENT/ADVICE GUI
09/579,849		05-25-2000	060021-355501	PROVIDING A COMMUNICATION MEDIUM IN A FINANCIAL MANAGEMENT/ADVICE FRAMEWORK
09/580,349		05-25-2000	060021-355601	FILTERING FINANCIAL MANAGEMENT/ADVICE
09/452,273		11-30-1999	060021-336901	INVESTMENT PORTFOLIO MANAGEMENT IN A NETWORK-BASED FINANCIAL FRAMEWORK
09/452,280		11-30-1999	060021-337001	MODELING AN EXISTING FINANCIAL PORTFOLIO
09/451,670		11-30-1999	060021-337101	GENERATING A PORTFOLIO IN A NETWORK-BASED FINANCIAL FRAMEWORK
09/451,596		11-30-1999	060021-337201	SETTING RISK TOLERANCE IN A NETWORK-BASED FINANCIAL FRAMEWORK
09/452,276		11-30-1999	060021-337301	DETERMINING AN INVESTMENT STYLE IN A NETWORK-BASED FINANCIAL FRAMEWORK
09/451,667		11-30-1999	060021-337501	INVESTMENT PORTFOLIO MANAGEMENT UTILIZING A COACHING ENGINE IN A NETWORK-BASED FINANCIAL FRAMEWORK
09/579,853		05-25-2000	060021-355701	A GRAPHICAL USER INTERFACE IN A FINANCIAL MANAGEMENT/ADVICE FRAMEWORK
09/580,350		05-25-2000	060021-356701	PERFORMING A CURRENT PORTFOLIO ANALYSIS USING A NETWORK-BASED PERSONAL INVESTMENT MANAGER
09/584,165		05-25-2000	060021-356801	PERFORMING A CURRENT TRADE IMPACT ANALYSIS USING A NETWORK-BASED PERSONAL INVESTMENT MANAGER
09/580,273		05-25-2000	060021-356901	FORECASTING AND STRESS TESTING USING A NETWORK-BASED PERSONAL INVESTMENT MANAGER
09/580,508		05-25-2000	060021-374401	AGGREGATING AN INDIVIDUAL HISTORICAL PORTFOLIO USING A NETWORK-BASED PERSONAL INVESTMENT MANAGER
09/580,214		05-25-2000	060021-374501	FILTERING EQUITIES BASED ON PORTFOLIO CHARACTERISTICS USING A NETWORK-BASED PERSONAL INVESTMENT MANAGER
09/580,509		05-25-2000	060021-356601	PERFORMING A HISTORICAL PORTFOLIO ANALYSIS USING A NETWORK-BASED PERSONAL INVESTMENT MANAGER
09/580,352		05-25-2000	060021-357001	PERFORMING RISK ANALYSIS USING A NETWORK-BASED PERSONAL INVESTMENT MANAGER

09/580,351		05-25-2000	060021-374601	PORTFOLIO FORECASTING USING A NETWORK-BASED PERSONAL INVESTMENT MANAGER
09/580,276		05-25-2000	060021-374701	GAUGING PAST, PRESENT AND FUTURE PORTFOLIO PERFORMANCE IN A NETWORK-BASED PERSONAL INVESTMENT MANAGER
09/579,854		05-25-2000	060021-374801	PROVIDING A PORTFOLIO HISTORY IN A NETWORK-BASED PERSONAL INVESTMENT MANAGER

Applicant brings these applications to the attention of the examiner, or other Office official involved with the examination of the present application. However, please do not construe the filing of this statement as a representation that applicant has made a search, or as an admission that the co-pending applications are, or are considered to be, material to patentability, or that no other co-pending applications exist.

December 2, 2003

  
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